

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ENBRIDGE ENERGY, LIMITED  
PARTNERSHIP, et al.,

Plaintiffs,

Case No. 1:20-cv-1141

v.

HON. JANET T. NEFF

GRETCHEN WHITMER, et al.,

Defendants.

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**ORDER**

Pending before the Court is Defendants' Renewed Request for Pre-Motion Conference (ECF No. 38), proposing to file a motion to dismiss the Complaint in this case; and Plaintiffs' Request for a Pre-Motion Conference (ECF No. 39), proposing to file a motion for summary judgment in their favor on Count I (Violation of the Supremacy Clause) and Count III (Violation of Foreign Commerce Clause and Foreign Affairs Doctrine) of their Complaint. Having reviewed the requests and the respective responses (ECF Nos. 41 & 40) and being familiar with the case circumstances, the Court will issue a briefing schedule without the usual conference, with modifications to the page limits. *See* W.D. Mich. LCivR.7.1(c). Therefore,

**IT IS HEREBY ORDERED** that the briefing schedule is as follows:

- (1) Defendants' Motion to Dismiss and Plaintiffs' Motion for Partial Summary Judgment, limited to 35 pages each, shall be served and proofs of service filed not later than January 18, 2022;
- (2) Any briefs from amici in support of Defendants' Motion to Dismiss or Plaintiffs' Motion for Partial Summary Judgment, limited to four amici

briefs each and limited to 15 pages each, shall be served and a proof of service filed within 14 days of service of the Motions;

- (3) The parties' Responses, limited to 30 pages each, shall be served and proofs of service filed within 42 days of service of the Motions;
- (4) Any briefs from amici in support of the Parties' Responses, limited to four amici briefs each and limited to 15 pages each, shall be served and a proof of service filed within 14 days of the respective Response;
- (5) The parties' Replies, limited to 20 pages each, shall be served and proofs of service filed within 35 days of service of the Responses; and
- (6) The parties and amici shall electronically file their respective motion papers as soon as each motion is fully briefed.

**IT IS FURTHER ORDERED** that the parties shall collaborate and file a *single* Joint Statement of Material Facts, setting forth in numbered paragraphs, separate, short and concise statements of the material facts that are not in dispute. The Joint Statement shall be filed as a separate document on CM/ECF. To the extent the parties rely on additional material facts to support their arguments, those facts shall be concisely set forth in their respective motion briefs.

**IT IS FURTHER ORDERED** that the parties shall collaborate and file a Joint Exhibit Book to avoid duplicative exhibits.

**IT IS FURTHER ORDERED** that the parties shall adhere to this Court's Local Civil Rule 10.9 when referencing a page of the record. *See* W.D. Mich. LCivR 10.9.

**IT IS FURTHER ORDERED** that Defendants shall provide chambers with one three-ring binder containing one-sided paper courtesy copies of their motion to dismiss, the response, the reply, any amicus briefs, and any exhibits, after electronic filing (i.e., with the header) and properly tabbed. The binder shall be submitted directly to Judge Neff's chambers.

**IT IS FURTHER ORDERED** that Plaintiffs shall provide chambers with one three-ring binder containing one-sided paper courtesy copies of their motion for partial summary judgment, the

response, the reply, any amicus briefs, and any exhibits, after electronic filing (i.e., with the header) and properly tabbed. The binder shall be submitted directly to Judge Neff's chambers.

**IT IS FURTHER ORDERED** that the parties shall otherwise adhere to the requirements for briefing and filing dispositive motions, as set forth in Judge Neff's Information and Guidelines for Civil Practice, available on the Court's website ([www.miwd.uscourts.gov](http://www.miwd.uscourts.gov)).

**IT IS FURTHER ORDERED** that the time for filing answers/responsive pleadings to the Complaint (ECF No. 1) is extended until further Order of the Court.

Dated: December 9, 2021

/s/ Janet T. Neff  
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JANET T. NEFF  
United States District Judge